

# **EXHIBIT "A"**

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF HAWAII

|                            |   |                           |
|----------------------------|---|---------------------------|
| RONALD L. OBREY, JR.,      | ) | CIVIL NO. 02-00033MLR-LEK |
|                            | ) |                           |
| Plaintiff,                 | ) | Honolulu, Hawaii          |
|                            | ) | April 11, 2005            |
| vs.                        | ) | 10:09 a.m.                |
|                            | ) |                           |
| HANSFORD T. JOHNSON, etc., | ) | STATUS CONFERENCE &       |
|                            | ) | SPREADING OF THE MANDATE  |
| Defendants.                | ) | FROM THE 9TH CCA          |
|                            | ) |                           |

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE MANUEL L. REAL,  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: CLAYTON C. IKEI, Esq.  
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For the Defendants: THOMAS HELPER, Esq.  
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Official Court Reporter: Cynthia Tando Fazio, RMR, CRR  
United States District Court  
P.O. Box 50131  
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced  
with computer-aided transcription (CAT).

1 MONDAY, APRIL 11, 2005

10:05 A.M.

2 THE CLERK: Calling the case of Civil Number  
3 02-00033MLR-LEK, this is Ronald L. Obrey, Jr. versus Hansford  
4 T. Johnson.

5 This hearing has been called for Status Conference and  
6 the Spreading of the Mandate from the Ninth Circuit Regarding a  
7 Trial.

8 Counsel, your appearances for the record, please?

9 MR. IKEI: Clayton Ikei representing plaintiff.

10 MR. HELPER: Morning, Your Honor. Thomas A. Helper  
11 and Rachel Moriyama for the defendant.

12 THE COURT: All right. The judgment of the Court of  
13 Appeals be filed and spread upon the minutes of this court.

14 The matter is set for trial on June 6th -- June 6,  
15 2005 at 9:00 a.m. And I don't think we need any further  
16 pretrial in this matter, do we?

17 MR. HELPER: Your Honor, can we be heard a little bit  
18 on the trial scheduling issue?

19 THE COURT: Mm-hmm.

20 MR. HELPER: I think that's -- we would -- the  
21 government is interested in doing a little bit of additional  
22 discovery, based on the Ninth Circuit's decision, of taking the  
23 depositions of the other shipyard workers and of Mr. Toyama and  
24 perhaps of getting a statistical expert as well. Those are the  
25 issues referred to by the Ninth Circuit.

1 THE COURT: That can be taken care of in the time set.  
2 Any -- any more pretrial?

3 MR. IKEI: Well, I think that schedule that Your Honor  
4 presents would pose a conflict in my schedule, Your Honor, and  
5 I would be concerned as to whether my -- I would be prepared --

6 THE COURT: What's the problem with your schedule?

7 MR. IKEI: I have trial scheduled already in that  
8 period.

9 THE COURT: How long will your trial take?

10 MR. IKEI: I'm sorry?

11 THE COURT: How long will your trial take?

12 MR. IKEI: This one?

13 THE COURT: No. The one that you say you already have  
14 scheduled.

15 MR. IKEI: I would say a week to two weeks, Your  
16 Honor.

17 THE COURT: What kind of a case is it?

18 MR. IKEI: It is a discrimination case, as this one.  
19 was.

20 THE COURT: That's only about a three-day case, isn't  
21 it? Three or four-day case at most?

22 All right. We will trail your case, Mr. Ikei. But  
23 that trial -- that set and you can -- I think you can get your  
24 discovery --

25 MR. HELPER: Well, Your Honor, that presents another

1 problem for me is that I've got a long-scheduled vacation with  
2 tickets bought for the last half of June.

3 THE COURT: Well, this is the first part of June and  
4 we'll be through with the case. If not, we'll take care of  
5 that matter, but I think we'll be through, so...

6 When is your -- when is your scheduled vacation?

7 MR. HELPER: I believe it's June 15th, Your Honor.

8 THE COURT: Well, we'll have this case over with by  
9 the 15th.

10 MR. HELPER: Well, Mr. Ikei has a case starting the  
11 6th that goes two weeks.

12 THE COURT: We can adjust those matters as they come  
13 up. We don't have to --

14 MR. IKEI: I'm sorry, Your Honor, I did not intend to  
15 misrepresent. I do not have a trial scheduled June 6, so it's  
16 clear.

17 THE COURT: All right.

18 MR. IKEI: But I do have trial scheduled in that  
19 period of May and June, the latter part of June.

20 THE COURT: All right. So June 6 will be the day.  
21 All right.

22 And I don't think we need a pretrial based upon the  
23 opinion of the Court of Appeals and our previous pretrials.  
24 We'll just go to trial on the 6th.

25 All right. Thank you, gentlemen.

1 THE CLERK: Calling the case of Civil Number 02 --

2 MR. HELPER: Your Honor, Your Honor, if I may be  
3 heard. I mean, I -- I don't know if there's going to be  
4 additional pretrial -- is the court not intending to have any  
5 additional pretrial filings? I assume there will be motions.

6 THE COURT: You may file a trial memo, each of you,  
7 and that should take care of any problems.

8 MR. HELPER: I think a witness list and evidence and  
9 things --

10 THE COURT: Oh, yes, witness lists, certainly, all  
11 those matters, certainly, but not -- that has nothing to do --  
12 basically do with a pretrial --

13 MR. HELPER: Okay. But --

14 THE COURT: -- trial. And witness lists should be --  
15 should be filed by May 23rd. All right.

16 MR. HELPER: So there will be an order coming out on  
17 that?

18 THE COURT: Yes.

19 MR. HELPER: Thank you.

20 (The proceedings concluded at 10:10 a.m., April 11,  
21 2005.)

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COURT REPORTER'S CERTIFICATE

I, CYNTHIA TANDO FAZIO, Official Court Reporter,  
United States District Court, District of Hawaii, Honolulu,  
Hawaii, do hereby certify that the foregoing pages numbered 1  
through 5 is a correct transcript of the proceedings had in  
connection with the above-entitled matter.

DATED at Honolulu, Hawaii, May 23, 2005.

  
CYNTHIA TANDO FAZIO, RMR, CRR